

**DENTISTRY EXAMINING BOARD  
MINUTES  
JANUARY 6, 2010**

- PRESENT:** Lori Barbeau, DDS; Linda Bohacek, RDH; Blane Christman, DDS; John Grignon, DDS; Carol Howard; Adriana Jaramillo, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; Nancy Rublee, RDH
- EXCUSED:** William Stempki, DDS
- STAFF:** Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant
- GUESTS:** Natasha Ming and Joseph Granica, CVTC; Mara Brooks, WDA; Tom Petri, WPHCA; Jennifer Kreider, WDHA

**CALL TO ORDER**

Chair Lori Barbeau called the meeting to order at 8:46 a.m.

**PLEDGE OF ALLEGIANCE**

The Board members, staff and guests rose and recited the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Amendments to the agenda:**

- Minutes of November 4, 2009 – Insert after page 4
- Page 8 – remove this page from the agenda and insert the new Page 8 with the corrected hotel information
- After Item “F” – two additional practice questions – Insert after page 24
- Item “I” – second page of the memo – Insert after page 64
- Item “J” – 2 additional items – Insert after page 118
- Case Closing Report (Closed Session) – Insert after page 178

**MOTION:** Nancy Rublee moved, seconded by John Grignon, to approve the agenda as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES OF NOVEMBER 4, 2009**

### **Corrections to the minutes:**

- On pages 2 and 3, after **2010 ELECTION RESULTS**, corrections are:
  - Division of Enforcement Monitoring Liaison – William Stempiski and Lori Barbeau as the alternate
  - ~~Federation of State Dental Examiners (FSDE)~~ American Association of Dental Boards (AADB) (formerly AADE) Liaison – Blane Christman
  - CRDTS Steering Committee Member – Blane Christman
- On page 3, under 2009 AMERICAN ASSOCIATION OF DENTAL EXAMINERS ANNUAL MEETING, correct the spelling from “Blaine Christmas” to Blane Christman. In the second sentence, delete “Federation of State Dental Examiners” and insert “American Association of Dental Boards”
- On page 4, under DEFINITION OF DENTISTRY, DENTAL HYGIENE..., in the first sentence delete “on expanded process of care” and insert “and removing the restrictions on practice settings”.
- On page 4, under MELISSA DEYO AND CHANNON KENNEDY, in the first sentence, remove “all CE” and insert “for CE courses to be considered for license renewal they”
- On page 5, under REQUEST FOR ACCEPTANCE OF WREB..., in the second sentence, after the word “also” insert “successfully”
- On page 5, in the heading REQUEST FOR ACCEPTANCE TO CANADIAN BOARD..., delete “TO” and insert “OF”
- On page 7, under MURTHY MANTHA, DDS, correct the spelling from “Kurt” to “Kirk”
- On page 9, under BLAIR MOLDENHAUER, DDS, in the motion correct the name from “Blain” to “Blair”

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to approve the minutes of November 4, 2009 as corrected. Motion carried unanimously.

## **PRESENTATION OF PROPOSED STIPULATIONS**

### **FRED TENUTA, DDS**

DOE Attorney Gil Luebke, presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Fred Tenuta, DDS. This matter will be deliberated in closed session.

**LISA R PIONTEK, DDS**

DOE attorney Gil Luebke presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Lisa R. Piontek, DDS. This matter will be deliberated in closed session.

**ADMINISTRATIVE REPORT**

**Report from Board Chair and Vice Chair Reception and Training - December 3, 4**

The Board Chair and Vice Chair training was held in Madison on December 3-4, 2009. The Dentistry Examining Board was not represented, however the meeting was well attended and feedback was quite positive. Tom Ryan encouraged the officers to attend the training the next time it is offered.

**REVIEW OF DEPARTMENT POLICIES**

Tom Ryan reviewed the Department policies. Hotel accommodations for 2010 are at the Fairfield Inn and Suites.

**NUMBER OF FOREIGN TRAINED DENTISTS LICENSED SINCE NOVEMBER 1**

At last count, five (5) foreign trained dentists have been licensed since November 1, 2009.

**2010 NATIONAL DENTAL EXAMINERS' ADVISORY FORUM – CONSIDER BOARD MEMBER ATTENDANCE**

Linda Bohacek has attended this meeting in the past. The Joint Commission on National Dental Examinations/American Dental Association will fund travel, hotel accommodations and per diem, however, reimbursement cannot exceed the State of Wisconsin guidelines. The Board member(s) must submit original receipts for all expenses.

**MOTION:** Nancy Rublee moved, seconded by Blane Christman, to authorize Linda Bohacek to attend the 2010 National Dental Examiners' Advisory Forum on April 12, 2010, in Chicago. Motion carried unanimously.

**LETTER FROM DEPARTMENT OF HEALTH SERVICES SECRETARY KAREN  
TIMBERLAKE REQUESTING PARTICIPATION OF DENTISTRY EXAMINING  
BOARD ON THE DENTAL EDUCATION FEASIBILITY STUDY ADVISORY  
COMMITTEE – BOARD APPOINTMENT**

**MOTION:** Linda Bohacek moved, seconded by Blane Christman, to authorize Lori Barbeau to represent the Board on the Dental Education Feasibility Study Advisory Committee. Motion carried unanimously.

**PRACTICE QUESTIONS AND FREQUENTLY ASKED QUESTIONS REVIEW  
PROJECT**

The Board reviewed answers to recently received practice questions. Legal counsel will review the boards' responses to practice questions and bring them back to the next meeting. The Board will review practice questions at each meeting and the most frequently asked questions will be posted on the DRL website.

**PEDIATRIC DENTISTRY ADVERTISING – BOARD REVIEW OF WIS. ADMIN.  
CODE S. DE 6 AND AMERICAN ACADEMY OF PEDIATRIC DENTISTRY  
CORRESPONDENCE**

The Board discussed the rules regarding advertising relating to unprofessional advertising. Advertising cannot use the phrase "specializes in" but may use "limited to." There are only nine CODA approved specialties that can be used in advertising.

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to correct the reference from "course" to "post graduate training program" and to clarify that a specialty cannot be advertised unless it is a CODA approved specialty and to authorize DRL to prepare a scope statement to amend DE 6.02(4). Motion carried unanimously.

**DENTISTRY BOARD WHITE PAPER ON RECORD KEEPING AND AMERICAN  
ASSOCIATION OF DENTAL EXAMINERS (AADE) DRAFT "GUIDELINES FOR  
RECORDKEEPING" – BOARD REVIEW**

The Board reviewed the white paper on recordkeeping and the American Association of Dental Boards (formerly known as the AADE) memo regarding guidelines on recordkeeping. Adriana Jaramillo will work with Tom Ryan to rewrite the white paper to include the recordkeeping recommendations from the AADB. This will be brought back to the Board for review at the next meeting.

## **THE ROLE OF DENTISTS IN TOBACCO CESSATION COUNSELING – LEGAL COUNSEL OPINION**

The Board reviewed the legal counsel opinion regarding the role of dentists in the treatment and diagnosis of dental issues relating to the use of tobacco. This will be published on the DRL website.

**MOTION:** Adriana Jaramillo moved, seconded by Nancy Rublee, to adopt the legal counsel opinion without the recommendations. Motion carried unanimously.

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to post Section I of the legal counsel opinion to the DRL website. Motion carried unanimously.

## **DEFINITION OF DENTISTRY AND SPECIALTY LICENSING REPORT AND COMMITTEE RECOMMENDATIONS – BOARD REVIEW AND DISCUSSION**

**MOTION:** Nancy Rublee moved, seconded by Linda Bohacek, to adopt Recommendation #1 with changes as follows:

*Conducting a substantive medical or dental history interview or dental hygiene examination of a patient's oral cavity or surrounding structures, including preparation and presentation to a patient of a dental hygiene care plan or a recording of clinical findings.*

Motion carried. Adriana Jaramillo abstained.

**MOTION:** Nancy Rublee moved, seconded by Carol Howard, to adopt Recommendation #2 with changes as follows:

*A hygienist may practice dental hygiene or perform remediable procedures only as a volunteer, an employee, or as an independent contractor.*

Motion carried unanimously.

The Board will review the remaining recommendations at future meetings.

## **CONTINUING EDUCATION RULE DRAFTING**

The Board reviewed the revised draft of the continuing education rules and made some changes. Lori Barbeau will work with Michael Berndt to revise the draft and will bring it back at the next meeting.

**DISCUSSION OF NEW MODEL LANGUAGE FOR STIPULATIONS –  
SHARON HENES, DOE**

**MOTION:** Linda Bohacek moved, seconded by Carol Howard, to adopt the proposed language and grant authority to the DRL monitor to sign the specified orders on behalf of the Board. Motion carried unanimously.

**VARIOUS PROVISIONS RELATING TO LICENSING OF DENTISTS – STATUS**

This draft rule has not yet been written and will have to wait until legal counsel has been hired.

**CRDTS REPORT**

Blane Christman stated CRDTS has not met since the last Board meeting.

**ADEX REPORT**

NERB is the only organization offering ADEX at this time.

**LEGISLATIVE REPORT – BLANE CHRISTMAN**

Nothing to report at this time.

**INFORMATIONAL ITEMS**

The Board noted the letter from the WDA regarding expanding the scope of services to licensed dental professionals to allow dentists to administer vaccines should they be approached by a local governmental health care agency. The Board will discuss this further at a future meeting.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** Carol Howard moved, seconded by John Grignon, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by roll call vote: Lori Barbeau-yes; Linda Bohacek-yes; Blane Christman-yes; John Grignon-yes; Carol Howard-yes; Adriana Jaramillo-yes; Sandra

Linhart-yes; Kirk Ritchie-yes; Nancy Rublee-yes. Motion carried unanimously.

Open Session recessed at 1:04 p.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 3:27p.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

#### **DELIBERATION OF PROPOSED STIPULATIONS**

#### **CONTINUING EDUCATION WAIVER REQUEST – R.V.**

**MOTION:** Adriana Jaramillo moved, seconded by Sandra Linhart, to deny the request for waiver of continuing education for hardship due to insufficient evidence and all required continuing education must be completed no later than May 1, 2010. R.V.'s active license status is extended to May 1, 2010. Motion carried unanimously.

#### **PROPOSED STIPULATIONS**

##### **FRED TENUTA, DDS**

**MOTION:** Carol Howard moved, seconded by Kirk Ritchie, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Fred Tenuta, DDS. Motion carried unanimously.

##### **LISA R PIONTEK, DDS**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Lisa R. Piontek, DDS. Motion carried unanimously.

**PROPOSED DECISION**

**MAURISA CORAN, RDH**

No Board action was taken at this time due to a lack of quorum. This will be reviewed at the next meeting.

**MONITORING**

**REQUEST FOR MODIFICATION – BLAIR MOLDENHAUER, DDS**

**MOTION:** Adriana Jaramillo moved, seconded by Nancy Rublee, to grant the request for twenty four (24) hours per week unsupervised practice of dentistry to Blair Moldenhauer, DDS. Dr. Moldenhauer cannot re-petition the Board for one year and must continue with all monitoring requirements and two (2) hair tests per year. Motion carried unanimously.

**CASE CLOSINGS**

**09 DEN 066**

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to close case **09 DEN 066** for no violation. Motion carried unanimously.

**06 DEN 054**

**MOTION:** John Grignon moved, seconded by Blane Christman, to close case **06 DEN 054** for no violation. Motion carried unanimously.

**06 DEN 069**

**MOTION:** John Grignon moved, seconded by Blane Christman, to close case **06 DEN 069** for no violation. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to adjourn. Motion carried unanimously.

The meeting adjourned at 3:33 p.m.

**THE NEXT MEETING IS MARCH 3, 2010**